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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,745	02/26/2004	Paul T. Wingett	H0005310--1180	6109

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HONEYWELL INTERNATIONAL, INC.
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EXAMINER

PANG, ROGER L

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,745

Applicant(s)

WINGETT ET AL.

Examiner

Roger L. Pang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 11, 12, 16, 19, 20, 22-24, 28 and 30 is/are rejected.
- 7) ☒ Claim(s) 3, 9, 10, 13-15, 17, 18, 21, 25-27 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2-26-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following action is in response to communications filed for application 10/788,745 on October 4, 2005.

Election/Restrictions

Applicant's election with traverse of the election requirement in the reply filed on October 4, 2005 is acknowledged. The traversal is on the ground(s) that none of the claims are directed toward Species 1. This is not found persuasive because new claims could have been added to claim Species 1. The election prevents the examination of such claims. Also, since there were multiple embodiments disclosed, the election requirement was proper.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

Claim 7 is objected to because of the following informalities: on line 3, the word --the-- should be inserted before "outer"; on line 4, "in" should be replaced with --an--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 6, on line 1, "system" should be replaced with --assembly-- to maintain consistency with the previous claim reference. With regard to claim 8, on line 2, the

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limitation of the "outer vessel mount end" lacks antecedent basis. It is believed that the limitation is referencing the --outer shield mount end--. Applicant must amend accordingly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-8, 16, 19-20, 22-23, 28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Griswold. With regard to claim 1, Griswold teaches an energy storage flywheel system containment assembly, comprising: an outer shield 12 having a mount end 12d, an insertion end 12c, and an inner surface 12b defining a cavity therein; an intermediate shield 15 disposed within the outer shield cavity, and having a mount end, an insertion end and an inner surface defining a cavity therein (Fig. 6); and an inner shield 30 disposed within the intermediate shield cavity, and having a mount end, and insertion end, and an inner surface defining a cavity therein, the inner shield cavity having a first end 30d that has a first width (from center expanded radially) and a second end 30c that has a second width that is less than the first width (Fig. 3). With regard to claim 2, Griswold teaches the assembly, wherein the inner shield insertion end includes an opening that extends into the inner shield cavity (Fig. 3). With regard to claim 4, Griswold teaches the assembly, wherein the inner shield cavity second end is substantially collocated with the inner shield insertion end (Fig. 3). With regard to claim 5, Griswold teaches

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the assembly, wherein at least a portion of the inner shield extends inwardly into the inner shield cavity to form a momentum deflector rim, whereby the inner shield cavity second width is made less than the first width (Fig. 3). With regard to claims 6 and 22, Griswold teaches the assembly, further comprising: a lid 16 adapted to be coupled to the outer shield insertion end, the lid configured to cover at least a portion of each of the outer shield, intermediate shield, and inner shield insertion ends (Fig. 2). With regard to claims 7, 20, 23, and 30, Griswold teaches the assembly, wherein the lid is configured as a lid assembly that comprises: a containment vessel lid (the O-ring on page 4, paragraph 40) coupled to the outer shield insertion end, the containment vessel lid having an inner side facing at least the outer shield, an outer side, and an inner and outer peripheral side surfaces, the inner peripheral side surface defining an access opening through the containment vessel lid (Fig. 3); and an access plate 16 coupled to the containment vessel lid and covering at least the access opening, the access plate having an inner side, an outer side, and an outer peripheral side surface. With regard to claim 8, Griswold teaches the assembly, wherein the outer shield mount end 12d is configured to be coupled to a mount surface 21; and the outer shield insertion end includes an opening that extends into the outer shield cavity (Fig. 3). With regard to claim 16, Griswold teaches the assembly, wherein the intermediate and inner shields are freely disposed within the outer shield (Fig. 6). With regard to claims 19 and 28, Griswold teaches the assembly, further comprising: a lid mount flange 14 coupled to the outer shield outer surface proximate the outer shield insertion end and extending away from the outer shield outer surface (toward the inner surface); and a lid 16 adapted to be coupled to the lid mount flange, the lid configured to cover at least a portion of each of the outer shield, intermediate shield, and inner shield insertion ends (Fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold as applied to claims 1 and 22 above, and further in view of Motta. Griswold teaches the assembly, but lacks the teaching of said intermediate shield comprising of two concentric intermediate shields. Motta teaches a containment assembly, wherein multiple integral concentric intermediate shields (16, windings of 14) are used. It would have been obvious to one of ordinary skill at the time of the invention to modify Griswold to employ two concentric intermediate shields in view of Motta in order to provide additional energy absorbing capabilities (Abstract), and also since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

Claims 3, 9-10, 13-15, 17-18, 21, 25-27, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Juan, Hsu, Smith, Gabrys, and Toyokawa have been cited to show similar containment assemblies.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)


If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roger L Pang
Primary Examiner
Art Unit 3681

November 10, 2005